

AN ORDINANCE relating to special control areas and prescribing land use regulations within flood hazard areas.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Purpose. The purpose of this general provision is to determine areas of special concern and to supplement the development requirements contained in the various use classifications by providing for additional controls in critical areas where public safety requires or where planned development is necessary.

SECTION 2. Regulations subject to chapter. The foregoing regulations of this title pertaining to the several classifications shall be subject to the general provisions, conditions and exceptions contained in this chapter.

SECTION 3. Maps shall be adopted. Areas of special concern may be shown and defined on zoning maps which shall become a part of this title by adoption by the County Council subject to the provisions of K. C. C. 21.60 and 21.62.

SECTION 4. Flood Hazard Area--Purpose . A hazardous situation may exist within an urban, suburban or rural area, and in a residential, agricultural or industrial zone. Solutions to hazard area problems involve the precise application of the sciences and are therefore processed by administration officials subject to a quasi-judicial appeal procedure. Guidelines for this administrative action are contained herein. Therefore, the purpose of the Flood Hazard and its application is:

(a.) To protect life and property by preventing the hazardous use of flood-prone lands;

(b.) To protect downstream property from higher velocities and higher flood levels which may be caused by loss of upstream holding capacity;

(c.) To minimize turbidity and pollution from upstream development during a flood;

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(d.) To protect the general public against avoidable losses from:

(1.) Maintenance and replacement cost of public facilities and utilities;

(2.) Damage to public facilities and utilities in downstream areas;

(3.) Subsidy cost for flood plain insurance;

(4.) Cost of public emergency rescue and relief operations; all of which are attributable to the development of flood prone lands;

(e.) To alert appraisers, assessors, owners, potential buyers, and lessees of the natural limitations of flood-prone land;

(f.) To qualify existing homes and businesses for participation in Federal flood insurance programs;

(g.) To implement State and Federal flood protection programs.

SECTION 5. Limitation on uses in floodway. The following shall not be permitted as a new use or new structure in a known floodway:

(a.) Any structure, development or landfill which is prohibited in the floodway fringe;

(b.) Any permanent building or structure designed to be used year-round for human habitation, commerce, employment or public assembly;

(c.) Any structure or excavation which would cause water to be diverted from the established floodway, cause erosion, obstruct the natural flow of water, increase the potential for turbidity or pollution, or materially reduce the carrying capacity of the floodway;

(d.) During the flood season, the construction or storage of any object or material which would be subject to flotation and movement:

PROVIDED, that the following may be permitted when permitted in the underlying use classification and when the objectives of this chapter are secured by the attachment of conditions:

(1.) Dwellings, and structures or buildings relating to commerce, employment or public assembly which are seasonal in nature and either

mobile or readily disassembled; and are removed from the floodway during the flood season;

(2.) Agriculture, forestry and open recreation uses such as campgrounds, parks, golf courses, gun clubs, tennis clubs, swimming clubs, boat launching, riding clubs, transient amusement activities, racetracks, and airstrips, provided that all permanent or year-round buildings are either located outside the floodway or, if located in the floodway, can be flood-proofed with negligible obstruction, diversion and loss of carrying capacity;

(3.) The storage of equipment, machinery and building materials during the period from May 1 to September 15;

(4.) The primary processing of forest and agricultural products and the mining and processing of natural materials, provided portable equipment and machinery are used and the storage of products and equipment are limited to the non-flood season.

SECTION 6. Limitation on uses in floodway fringe. The following shall not be permitted as a new use or new structure in the floodway fringe:

(a.) Any structure, development or landfill which, if generally permitted would:

(1.) Reduce significantly the natural holding capacity of an upstream flood plain; or

(2.) Pollute or contribute materially to the turbidity of flood water at intermediate regional flood stage;

(b.) Any permanent structure which is not fully protected from water damage at the intermediate regional flood level: PROVIDED, that the following may be permitted when permitted in the underlying Zoning Code classification, and when the objectives of this chapter are secured by the attachment of conditions:

(1.) Structures, uses, developments and landfills as permitted in the floodway, except that seasonal restrictions may be reduced.

SECTION 7. Approval Required. No permit or license for structures

1 or the development or use of land shall be issued by King County within a
2 Flood Hazard Area unless approved by the Director of the Department of
3 Planning. Such approval shall be based on a review of the provisions set
4 forth in this ordinance and the technical findings and recommendations of
5 the Director of Public Works.

6 SECTION 8. Procedural Requirements. County permits or licenses
7 which relate to the development and use of land within a Flood Hazard Area
8 shall be referred to the County Planning Director by the issuing department
9 or agency for approval. If it can be determined from information at hand that
10 the property lies in that portion of the Flood Hazard Area that is non-flood plain
11 land, he may approve the permit or license directly. If it appears that the
12 property may lie in the floodway or floodway fringe, he may require the
13 owner to submit additional information, including a description of the property;
14 the intended use, and construction plans as needed to apply the administrative
15 guidelines. This information shall be referred to the Department of Public
16 Works for review and recommendations. The applicant may be further
17 required by the Director of Public Works to submit such surveys, plans and
18 supporting documents as are necessary to determine the applicability of
19 departmental guidelines to the proposed structure development or use. The
20 Department of Public Works shall consider not only the individual structure,
21 development or use, but shall also consider it in combination with existing
22 and future similar structures, developments and uses.

23 The Director of Planning shall, within a reasonable time, indicate his
24 approval or disapproval of the requested permit or license; and if approved,
25 the conditions of approval, in a letter to the issuing department or agency,
26 with copies to the applicant, the Director of Public Works, and other known
27 parties of interest.

1 SECTION 9. Decision of Director of Planning may be appealed. The
2 decision of the Director of Planning to approve or disapprove a permit or
3 license in a Flood Hazard Area may be appealed to the Board of Appeals as
4 provided in K. C. C. 21.58. The requested permit or license shall not be
5 issued by a County department during the appeal period.

6 INTRODUCED AND READ for the first time this 18th day
7 of December, 1972.

8 PASSED at a regular meeting of the King County Council this 13th
9 day of February, 1973.

10 KING COUNTY COUNCIL
11 KING COUNTY, WASHINGTON

12 John T. O'Brien
13 Chairman

14 ATTEST:

15 Lee Kraft
16 Clerk of the Council

17 APPROVED this 16th day of February, 1973.

18 Ed Spellerman
19 King County Executive